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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/943,632	IMES, KEVIN REID	
	Examiner	Art Unit	
	YOGESH K. AGGARWAL	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *37-56* is/are pending in the application.

4a) Of the above claim(s) *41-43,46,48 and 51-54* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *37-40,44,45,47,49,50,55,56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 37-40, 44, 45, 47, 49, 50, 55 and 56 are have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 37 and 49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added limitation in claims 37 and 49 "determining an image format size of the first end use process reference to display the processed image using a predetermined image format size of the first destination" is not found to have support in the specification. Specifically it is not described in the specification wherein displaying the processed image using a predetermined image format size of the first destination. The closest that the Examiner has found on Page 15 lines 13-20 of the specification teach that DICD 100 may associate a reference, such as a multiple sales listing (MLS) number to one or more images. The image information associated with the images and the reference may be communicated to a destination for processing. For example, the image information may be displayed within one or more on-line MLS listings that provide information associated with property or real estate for sale.

Furthermore at Page 21 lines 4-18, teach that DICD 100 may copy/transfer image information and associated process information to a personal computer for processing. For example, a personal computer may include a communication device operable to communicate with a network, printer, storage medium, etc. As such, upon communicating image information and associated process information to a personal computer, a process may be deployed to process the image information. For example, a user may have selected an image to print when communicated to the personal computer. In another embodiment, a process may include generating code using mark-up language operable to be viewed by a network browser. As such, webpages or frames that may use image information may be generated by the personal computer.

As explained above, this is a specific limitation and it is not taught in the specification. As best understood by the examiner the limitations will be rejected as follows.

4. The dependent claims are also rejected based upon 112, first paragraph and their dependency from claims 37 and 49.

The newly added limitation recite "determining an image format size of the first end use process reference to display the processed image using a predetermined image format size of the first destination". Safai (US Patent # 6,715,003) teach at col. 21 line 66-col. 22 line 5 that camera 100 generate menu displays of figure 9a through figure 9d and 10 and cooperate with software elements executed by server 810 to carry out services 802. Fig. 11c and col. 23 lines 41-63 teach that when the user magnifies an image in increments of 5%, the image is digitally zoomed in by 5% and re-displayed in the display of camera 100, as shown by block 1134 and block 1139. Similarly at col. 23 lines 64-col. 24 lines line 19, figure 11d any drawing is drawn and redisplayed on the display of the camera and a brightness is changed at col. 24 lines 28-39, figure

11e. All these processed change the formatting of the image in some way according to the wishes of the user for an image to be printed at the destination. The print option is as shown in figure 4a. Therefore an image format size (change in magnification) of the first end use process reference (printing) to display the processed image using a predetermined image format size of the first destination (image is displayed according to the change in size due to magnification and then sent for printing at the first destination).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 37-40, 44, 45, 47, 49, 50, 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuetzle (US Patent # 6,762,791) in view of Safai (US Patent # 6,715,003).

[Claim 37]

Schuetzle teaches a method of processing a digital image using a portable electronic device (figure 1, camera 30), the method comprising: detecting a user selection of a first function to communicate a first digital image over a wireless network to a first destination (col. 4 lines 15-24, col. 5 lines 59-63, col. 8 lines 11-20, col. 7 lines 66-col. 8 line 10); determining a first end use process reference in response to the user selecting the first function, wherein the first end use process reference includes a predetermined end use output format of the first destination (col. 5 lines 22-47, col. 6 lines 5-14); detecting a selection of the first digital image at the portable digital image capturing device (col. 7 lines 66-col. 8 line 10) and initiating a processing of the

first digital image using the first end use process reference to form a first processed digital image at the portable digital image capturing device and initiating a first communication of the processed digital image over the wireless network communicatively coupled to the first destination using the first function, the first destination operable to output the processed digital image using the predetermined end use output format (col. 5 lines 36-48 and col. 6 lines 5-12, the choosing of a particular amount of cropping or resolution or any other parameters would lead to processed digital image using the predetermined end use output format).

Schuetzle fails to teach determining an image format size of the end use process reference to display the processed image using a predetermined image format size of the first destination (col. 4 lines 46-57). However Safai teaches teach at col. 21 line 66-col. 22 line 5 that camera 100 generate menu displays of figure 9a through figure 9d and 10 and cooperate with software elements executed by server 810 to carry out services 802. Fig. 11c and col. 23 lines 41-63 teach that when the user magnifies an image in increments of 5%, the image is digitally zoomed in by 5% and re-displayed in the display of camera 100, as shown by block 1134 and block 1139. Similarly at col. 23 lines 64-col. 24 lines line 19, figure 11d any drawing is drawn and redisplayed on the display of the camera and a brightness is changed at col. 24 lines 28-39, figure 11e. All these processed change the formatting of the image in some way according to the wishes of the user for an image to be printed at the destination. The print option is as shown in figure 4a. Therefore an image format size (change in magnification) of the first end use process reference (printing) to display the processed image using a predetermined image format size of the first destination (image is displayed according to the change in size due to magnification and then sent for printing at the first destination).

Therefore taking the combined teachings of Schuetzle and Safai, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have determined an image format size of the end use process reference to display the processed image using a predetermined image format size of the first destination in order for the user to visually check the image to verify if the image is to their liking before sending the image to the destination thereby producing the image that is according to user's tastes.

[Claim 38]

Schuetzle teaches processing the first digital image using the image format size to form the processed digital image in response to initiating the processing of the first digital image using the first end use process reference (col. 5 lines 36-48, e.g. cropping changes size of the image); and wherein the initiating the first communication includes communicating the processed digital image including the image format size over the wireless network communicatively coupled to the destination operable to output the processed digital image (col. 5 lines 36-48, data attributes are related to cropping which is performed on the computer system or image capturing device).

[Claim 39]

Schuetzle teaches determining an image compression size of the end use process reference; processing the first digital image using the image compression size to form the processed digital image in response to initiating the processing the first digital image using the first end use process reference; and wherein initiating the first communication includes communicating the processed digital image including the image compression size over the wireless network coupled to the destination (col. 5 lines 36-48, data attributes are related to changing the resolution of the image which is performed either on the computer system or image capturing device).

[Claim 40]

Schuetzle teaches processing the first digital image to resize the first digital image using a first end use process reference operably associated with outputting the first processed image at the first destination at a first image size (col. 5 lines 36-48, data attributes are related to changing the resolution of the image which is performed either on the computer system or image capturing device); processing the first digital image to resize the first digital image using a second end use process reference to form a second processed digital image, the second end use process reference operably associated with outputting the second processed image at a second destination at a second image size different than the first image size (user has the ability to write the user definable attribute portions that could be used to change the size of the image) initiating communication of the first processed digital image to the first destination operable to receive the first processed digital image (col. 7 lines 15-27). Safai teaches in figure 4a, that images are emailed (406a) or uploaded to a server via 406d by writing an email address as shown in figure 4b.

[Claim 44]

Schuetzle teaches determining a device identifier of the portable digital image capturing device; and communicating the device identifier and the first processed digital image to the first destination, the device identifier operable to be used at the first destination to access to the first processed digital image (col. 7 lines 48-col. 8 line 10).

[Claim 45]

Safai teaches at col. 16 lines 30-50 that the services 602 are configured to upload the photos received from camera 100 to a designated server or Web site. In this embodiment, upon receipt

of user information, addresses, and selected photos, services 602 parse the addresses and identify a Web site address among them, such as a Uniform Resource Locator (URL). In response, services 602 create a Web document, for example, a file in the hypertext markup language (HTML) format. The selected photos are converted into image files, and the image files are hyperlinked into the HTML file. Services 602 establish a connection to the Web site or Web server that is identified in the addresses, through the network 608. For example, services 602 open an anonymous file transfer protocol (FTP) connection to a Web server that is identified in the addresses. Using the FTP connection, services transfer the HTML file and the image files to the Web server. As a result, digital photos taken by the camera 100 become available worldwide, on a rapid basis, through the network 608 using standard World Wide Web protocols and the foregoing processes.

[Claim 47]

Schuetzle teaches determining an application identification reference of the first function; determining a device identifier of the portable digital image capturing device; and communicating the application identification reference and the device identifier with the processed digital image to the destination (col. 7 lines 48-col. 8 line 10).

[Claim 49]

Scheutzle teaches a portable electronic device (figure 1, 30) operable to record a digital image (memory 34 or 35) comprising: an image input sensor (32) operable to record a first digital image; a memory (34 or 35) operable to store the first digital image; a processor (38) coupled to the memory (col. 4 lines 25-45), the processor operable to: detecting a user selection of a first function to communicate a first digital image over a wireless network to a first destination

operable to display digital images (col. 4 lines 15-24, col. 5 lines 59-63, col. 8 lines 11-20, col. 7 lines 66-col. 8 line 10); determining a first end use process reference in response to the user selecting the first function, wherein the first end use process reference includes a predetermined end use output format of the first destination (col. 5 lines 22-47, col. 6 lines 5-14); detecting a selection of the first digital image at the portable digital image capturing device (col. 7 lines 66-col. 8 line 10) and initiating a processing of the first digital image using the first end use process reference to form a first processed digital image at the portable digital image capturing device and initiating a first communication of the processed digital image over the wireless network communicatively coupled to the first destination using the first function, the first destination operable to output the processed digital image using the predetermined end use output format (col. 5 lines 36-48 and col. 6 lines 5-12).

Schuetzle fails to teach determining an image format size of the end use process reference to display the processed image using a predetermined image format size of the first destination (col. 4 lines 46-57). However Safai teaches teach at col. 21 line 66-col. 22 line 5 that camera 100 generate menu displays of figure 9a through figure 9d and 10 and cooperate with software elements executed by server 810 to carry out services 802. Fig. 11c and col. 23 lines 41-63 teach that when the user magnifies an image in increments of 5%, the image is digitally zoomed in by 5% and re-displayed in the display of camera 100, as shown by block 1134 and block 1139. Similarly at col. 23 lines 64-col. 24 lines line 19, figure 11d any drawing is drawn and redisplayed on the display of the camera and a brightness is changed at col. 24 lines 28-39, figure 11e. All these processed change the formatting of the image in some way according to the wishes of the user for an image to be printed at the destination. The print option is as shown in

figure 4a. Therefore an image format size (change in magnification) of the first end use process reference (printing) to display the processed image using a predetermined image format size of the first destination (image is displayed according to the change in size due to magnification and then sent for printing at the first destination).

Therefore taking the combined teachings of Schuetzle and Safai, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have determined an image format size of the end use process reference to display the processed image using a predetermined image format size of the first destination in order for the user to visually check the image to verify if the image is to their liking before sending the image to the destination thereby producing the image that is according to user's tastes.

[Claim 50]

Scheutzle teaches wherein the processor is further operable to: activate the selected function process prior to capturing the first digital image using a first digital image process application (figure 2a); and automatically associate a reference to the selected function with the first digital image upon capturing the first digital image using the first digital mage process application (col. 5 lines 49-col. 6 line 4).

[Claim 55]

Safai teaches at col. 16 lines 30-50 that the services 602 are configured to upload the photos received from camera 100 to a designated server or Web site. In this embodiment, upon receipt of user information, addresses, and selected photos, services 602 parse the addresses and identify a Web site address among them, such as a Uniform Resource Locator (URL). In response, services 602 create a Web document, for example, a file in the hypertext markup language

(HTML) format. The selected photos are converted into image files, and the image files are hyperlinked into the HTML file. Services 602 establish a connection to the Web site or Web server that is identified in the addresses, through the network 608. For example, services 602 open an anonymous file transfer protocol (FTP) connection to a Web server that is identified in the addresses. Using the FTP connection, services transfer the HTML file and the image files to the Web server. As a result, digital photos taken by the camera 100 become available worldwide, on a rapid basis, through the network 608 using standard World Wide Web protocols and the foregoing processes. However Safai teaches in figure 4a, that images are magnified (figure 4l, zoom button 429b), emailed (406a) or uploaded to a server via 406d by writing an email address as shown in figure 4b and address images button 429c.

[Claim 56]

Schuetzle teaches a first image capture function button (col. 6 lines 45-55). Schuetzle fails to teach an image magnification function operable to magnify a view of the first digital image, an email function operable to be accessed using a graphical user interface; an image upload function operable to be accessed using the graphical user interface; and a pointing device selector operable to: enable selection of the first function; enable selection of the email function; enable selection of the upload function; and enable selection of the first digital image. However Safai teaches in figure 4a, that images are magnified (figure 4l, zoom button 429b), emailed (406a) or uploaded to a server via 406d by writing an email address as shown in figure 4b and address images button 429c.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/
Primary Examiner, Art Unit 2622